

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
LUFKIN DIVISION

LUNAREYE, INC.,

PLAINTIFF,

V.

AIRIQ INC., AIRIQ US, INC, and  
CALAMP CORP.

DEFENDANTS.

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C.A. NO. 9:07-CV-113

**ORDER TO STAY PENDING REEXAMINATION OF THE '035 PATENT**

Having reviewed Defendants' Unopposed Motion to Stay Pending Reexamination of the '035 Patent, the Court hereby GRANTS the motion to stay. This Order however, is conditioned on the stipulation signed by Defendants AirIQ, Inc., AIRIQ US, Inc., and CalAmp Corp., through their counsel in their motion. The stipulation states the following:

As a condition of the stay, Defendants may not argue invalidity at trial based on one or more prior art printed publications that were submitted by the petitioner in the reexamination proceedings. However, Defendants will be permitted to rely for obviousness on the combination of a printed publication reference that was submitted by petitioner in the reexamination with prior art that was not so submitted.

It is hereby ORDERED that a stay of this civil action shall ensue.

The Court sets a telephonic status conference for December 5, 2008 at 1:30 p.m. for an update on Patent Office Activity. If the Patent Office has taken no further action by October 27, 2008, the Plaintiff shall inform the Court so that the status conference may be canceled or rescheduled.

So **ORDERED** and **SIGNED** this **25** day of **June, 2008**.



Ron Clark, United States District Judge